here in question had not secured from Rice & Hutchins an agreement to give all their work to members of the union, a strike to compel Rice & Hutchins to employ none but union men was an illegal strike (W. A. Snow Iron Works *v.* Chadwick, 227 Mass. 382, 116 N. E. 801, and cases there collected).

"It follows that the plaintiff is entitled to an injunction permanently enjoining the members of the defendant union from interfering and from combining, conspiring or attempting to interfere directly or indirectly by striking or otherwise with the employment of the plaintiff by Rice & Hutchins."

Negligence—Liability of Manufacturer of Tobacco Causing Injury.—In Pillars *v.* R. J. Reynolds Tobacco Co., 78 So. 365, the Supreme Court of Mississippi held that where a human toe was contained in chewing tobacco and poisoned an ultimate consumer, the manufacturer was liable for damages.

The court said: "Generally speaking, the rule is that the manufacturer is not liable to the ultimate consumer for damages resulting from the defects and impurities of the manufactured article. This rule is generally based upon the theory that there is no contractual relations existing between the ultimate consumer and the manufacturer. From time to time, the courts have made exceptions to the rule. The manufacturers of food, beverages, drugs, condiments, and confections have been held liable to ultimate consumers for damages resulting from the negligent preparation of their products. * * *

"If poisons are concealed in food, or in beverages, or in confections or in drugs, death or the impairment of health will be the probable consequence. We know that chewing tobacco is taken into the mouth, that a certain proportion will be absorbed by the mucous membrane of the mouth, and that some, at least, of the juice or pulp will and does find its way into the alimentary canal, there to be digested and ultimately to become a part of the blood. Tobacco may be relatively harmless, but decaying flesh, we are advised, develops poisonous ptomaines, which are certainly dangerous and often fatal. Anything taken into the mouth there to be masticated should be free of those elements which may endanger the life or health of the user. No one would be so bold as to contend that the manufacturer would be free from liability if it should appear that he purposely mixed human flesh with chewing tobacco, or chewing gum. If the manufacturer would be liable for intentionally feeding putrid human flesh to any and all consumers of chewing tobacco, does it not logically follow that he would be liable for negligently bringing about the same result? It seems to us that this question must be answered in the affirmative.

"Liggett & Myers Co. *v.* Cannon, 132 Tenn. 419, 178 S. W. 1009,

L. R. A. 1916A, 940, Ann. Cas. 1917A, 179, is not controlling. The Supreme Court of Tennessee held in that case that tobacco was not food and that we are ready to admit, and it may be that the decision of that case was correct, but we are inclined to the opinion that the Court of Appeals of Tennessee had the best of the argument in that case.

"We have read with care the very able and instructive brief for the appellee, in which he argues and we think proves that tobacco is not food for human beings at least, no matter how much tobacco worms or the town goat may relish it, but we are of opinion that we are not restricted to this narrow question, nor have we reached the limit when we admit that tobacco is not a beverage, or a condiment, or a drug. The fact that the courts have at this time made only the exceptions mentioned to the general rule does not prevent a step forward for the health and life of the public. The principles announced in the cases which recognize the exceptions, in our opinion, apply, with equal force, to this case. * * *

"We will reverse the judgment of the lower court as to the manufacturer and affirm the judgment for the distributor. The distributor could not have suspected that human toes were concealed in the plug, and was not negligent in not discovering the noxious contents of the plug."

Stare Decisis—Application to Police Power—Validity of Indiana Prohibition Act.—In Schmitt *v.* Cook Brewing Co., 120 N. E. 19, the Supreme Court of Indiana in holding the Indiana Prohibition Law (Acts 1917, c. 4), prohibiting the manufacture and sale of intoxicants, valid, as coming within the police power of the state, laid down the rule that the principle of stare decisis has no application to the police power of the state, because there can be no property rights which are not subject to such power; the rule of stare decisis being a rule of property the use of which does not affect the public welfare.

The court said:

"It is also insisted on behalf of appellee herein that it has been decided by this court that there is no power to prohibit the manufacture of intoxicating liquor under our Constitution, and that the case of Beebe *v.* State, 6 Ind. 501, 63 Am. Dec. 391, and a few cases following, settle that question. It cannot be determined by those cases on what principle the court was acting. The question stood undecided for three years, and then the law was pronounced void without assigning any reasons as to whether it was considered void under the state Constitution or federal Constitution. That law in